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(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 26 May 1997

adopted by the Council on the basis of Article K.3 of the Treaty on European Union with regard to cooperation on law and order and security

(97/339/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (b) thereof,

Having regard to the initiative from the Kingdom of the Netherlands,

Bearing in mind that, under Article K.1(9), police cooperation is regarded by Member States as a matter of common interest;

Whereas, further to previous initiatives, particularly as regards football hooliganism, efforts should be made to extend and strengthen cooperation on law and order and security;

Whereas more detailed arrangements need to be made for cooperation with regard to events taken in a broad sense, i.e. meetings attended by large numbers of people from more than one Member State, at which policing is primarily aimed at maintaining law and order and security and preventing criminal offences;

Whereas such meetings include sporting events, rock concerts, demonstrations and road-blocking protest campaigns, but related matters such as guarding and protecting people and property may also form part of the cooperation in question;

Whereas, in addition to neighbouring Member States, it is also possible for non-neighbouring Member States and Member States of transit to be involved in that cooperation;

Whereas exchange of information on groups of people that may pose a threat to law and order and security in various Member States as well as secondment of liaison officers and cooperation between central bodies have a part to play in such cooperation;

Whereas this joint action is intended to supplement existing bilateral and multilateral arrangements and is without prejudice to closer cooperation between Member States,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. Member States shall provide Member States concerned with information, upon request or unsolicited, via central bodies, if sizeable groups which may pose a threat to law and order and security are travelling to another Member State in order to participate in events. The information shall be supplied at as early a stage as possible to all Member States concerned, regardless of whether they are neighbours, including Member States of transit.

2. The information shall include the fullest possible details regarding:

- (a) the group in question:
 - overall composition,
 - nature of the group (whether aggressive and whether any chance of disturbances);
- (b) routes to be taken and stopping-off points;
- (c) means of transport;
- (d) any other relevant information;
- (e) reliability of the information.

The information to be provided shall be supplied in compliance with national law.

Article 2

1. Member States may temporarily post liaison officers to other Member States which so request. Liaison officers shall play an advice and assistance role. They shall

have no powers and be unarmed. They shall provide information and carry out their duties in accordance with instructions from their home Member State and guidelines from the Member State to which they are seconded. The host Member State shall ensure that liaison officers are protected.

2. The competent authorities of the host Member State shall determine the activities to be engaged in by liaison officers. Liaison officers shall be required to follow guidelines from the competent authorities.

Article 3

In order to promote cooperation between Member States by way of the competent central bodies, the following arrangements shall be made:

- (a) each spring the Presidency shall organize a meeting of heads of central bodies for law and order and security to discuss matters of common interest;
- (b) particulars concerning those central bodies shall be updated each spring via the Presidency (see

Annex). Central bodies shall notify one another of any intervening changes;

- (c) in the interests of better knowledge of one another's organization, heads of central bodies shall encourage the holding of exercises and exchanges and training secondments for their staff.

Article 4

This joint action shall be published in the Official Journal.

It shall enter into force on the day following its publication.

Done at Brussels, 26 May 1997.

For the Council

The President

W. SORGDRAGER

ANNEX

Central bodies are to supply one another each year, or at more frequent intervals where changes occur, with the following particulars:

Member State:

Name of central body:

Name of authority (e.g. Ministry):

Address:

Phone number(s):

Fax number(s):

E-mail address:

Liaison office:

Names of contacts:

Languages spoken (in addition to national language(s)):

COUNCIL DECISION

of 26 May 1997

on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals

(97/340/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article K.3 (2) (a) thereof,

*Article 1***Information exchange**

Whereas Article K.1 (3) of the Treaty on European Union states that the Member States shall regard immigration policy and policy regarding nationals of third countries as matters of common interest;

1. Those Member States which have taken steps to develop programmes to support the voluntary return of third-country nationals to their country of origin shall report annually on them to the General Secretariat of the Council. The General Secretariat shall circulate such information to all Member States and the Commission.

Whereas point 111 of the Communication by the Commission dated 23 February 1994 on immigration and asylum policy suggests that Member States' policies on the voluntary return of third-country nationals be approximated;

2. Information on these national return programmes shall, in particular, include the following information:

Whereas a number of Member States have established programmes to support the voluntary return of legally as well as illegally resident third-country nationals;

— the authorities responsible for carrying out the programme, i.e. non-governmental and/or international organizations;

— the scope of the programme in terms of the persons covered;

Whereas, in the case of legally resident third-country nationals, Member States' policies should aim at their integration into society and whereas assistance for voluntary return should not be interpreted as reflecting a policy of actively encouraging such return, but is purely designed to facilitate return of those who have taken a decision of their own free will to this effect;

— any further requirements to be met by individual returnees in order to be considered for assistance under the programme;

— any requirements to be met by the country of origin under the programme;

— the type and level of assistance granted (e.g. travel expenses for the returnee and his/her family, removal costs, repatriation allowance);

— estimate of the effects of the programme, including the number of beneficiaries and the occurrence of any incentive effects.

Whereas assistance for the voluntary return of illegally resident third-country nationals is in line with the European humanitarian tradition and may contribute to finding a dignified solution to reducing the number of illegally resident third-country nationals in the Member States; whereas it should be avoided that such assistance leads to undesired incentive effects;

*Article 2***Analysis**

Whereas this Decision is without prejudice to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967,

1. The General Secretariat of the Council shall make available annually to Member States and the Commission a draft report on the information received on the basis of Article 1. This report shall be exhaustive in nature and shall contain specific information on each of the points listed in Article 1 (2).

2. The draft report referred to in paragraph 1 shall be examined by the Member States concerned and the Commission and adjusted if necessary.

*Article 3***Coordination**

1. On the basis of the draft report referred to in Article 2 (1), Member States concerned and the Commission shall, within the Council, exchange their views on the programmes referred to in Article 1. In so doing, they shall, in particular, compare the scope, conditions and effects of those programmes with a view to their possible approximation.
2. The Member States concerned which have not introduced these programmes shall examine the results and usefulness thereof.

Article 4

1. This Decision shall be published in the Official Journal.
2. The Member States concerned shall draw up the report mentioned in Article 1 for the first time within six months of the publication of this Decision in the Official Journal.

Dont at Brussels, 26 May 1997.

For the Council
The President
W. SORGDRAGER